



US Army Corps  
of Engineers®

Nashville District

# Public Notice

No. 06-138

Date: December 18, 2006

File No. 200602663

Expires: January 17, 2006

Please address all comments to: Regulatory Branch,  
3701 Bell Road, Nashville, TN 37214-2660

JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Parking Lot Construction Affecting Wetlands  
Adjacent to an Unnamed Tributary of Whitetop Creek, Near Bristol,  
Sullivan County, Tennessee

TO ALL CONCERNED: The application described below has been  
submitted for a Department of the Army Permit pursuant to **Section  
404 of the Clean Water Act (33 USC 1344)** and a Tennessee Valley  
Authority (TVA) permit pursuant to **Section 26a of the TVA Act  
(16 USC 831y-1)**. Before a permit can be issued, certification  
must be provided by the State of Tennessee, Division of Water  
Pollution Control, pursuant to Section 401(a)(1) of the CWA, that  
applicable water quality standards will not be violated. The  
applicant has applied for the State certification by separate  
application.

APPLICANT: Bristol Motor Speedway, Inc.  
151 Speedway Boulevard  
Bristol, Tennessee 37620

LOCATION: In wetlands adjacent to an unnamed tributary of  
Whitetop Creek, near Bristol, Sullivan County, Tennessee,  
Lat 36° 31' 07", Lon 82° 14' 06", Bristol-TN, USGS Quad Map.

DESCRIPTION: The proposed work consists of the construction of a  
parking area on approximately 21.5 acres of a 28-acre property  
near State Route 394 and Sweet Knob Trail. Proximity to the  
Bristol Dragway entrance, convenient vehicular access, and  
construction restraints were some of the factors used in selecting  
the property to develop as a parking area.

Grading by previous owners has occurred on portions of the site.  
A 0.93-acre jurisdictional wetland was delineated on the property.  
Of this total, a 0.25-acre portion was impacted by the previous  
owner through the placement of fill material. Wetland vegetation  
includes hop sedge, bulrush, cattail, and black willow.

The topography of the site renders on-site mitigation technically impractical and not cost effective. As mitigation for past and future impacts, the applicant proposes the use of 1.86 wetland credits (2:1 ratio) from the Shady Valley Wetland Mitigation Bank located in Johnson County, Tennessee.

Plans of the proposed work are attached to this notice. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. TVA approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a hearing.

Written statements received in this office on or before January 17, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Holston-Cherokee-Douglas Watershed Team, 106 Tri-Cities Business Park Drive (WTR 1A-GRT), Gray, Tennessee 37615. You can send comments relative to the §401 Water Quality Certification to Mr. Dan Eagar, Tennessee Division of Water Pollution Control, 7th Floor, L&C Annex, 401 Church Street Nashville, Tennessee 37243-1534, telephone (615) 532-0625.

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If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>

or contact Mr. Hernandez at the above address or phone number.



Plan developed from Bristol, TN/VA Quadrangle U.S.G.S. Topographic Map, dated 1991.

Scale: 1" = 2000'

Checked by: WSP

Drawn by: DHS

Date: 11/30/06



#### SITE LOCATION MAP

Proposed BMS Copperhead Road  
Parking Area  
Sweet Knob Trail / Copperhead Road  
Bristol, Tennessee

Project No.: 1404-05-283-C

Figure

1

— Represents approximate location of photographs.



EXHIBIT B  
FILE NO. 200602663  
PN NO. 06-138



Plan developed from Wetland Delineation Map provided by Tysinger Hampton & Partners, dated October 2005

# PHOTOGRAPH LOCATION MAP

Proposed BMS Copperhead Road  
Parking Area  
Sweet Knob Trail / Copperhead Road  
Bristol, Tennessee

Project No.: 1404-05-283-C



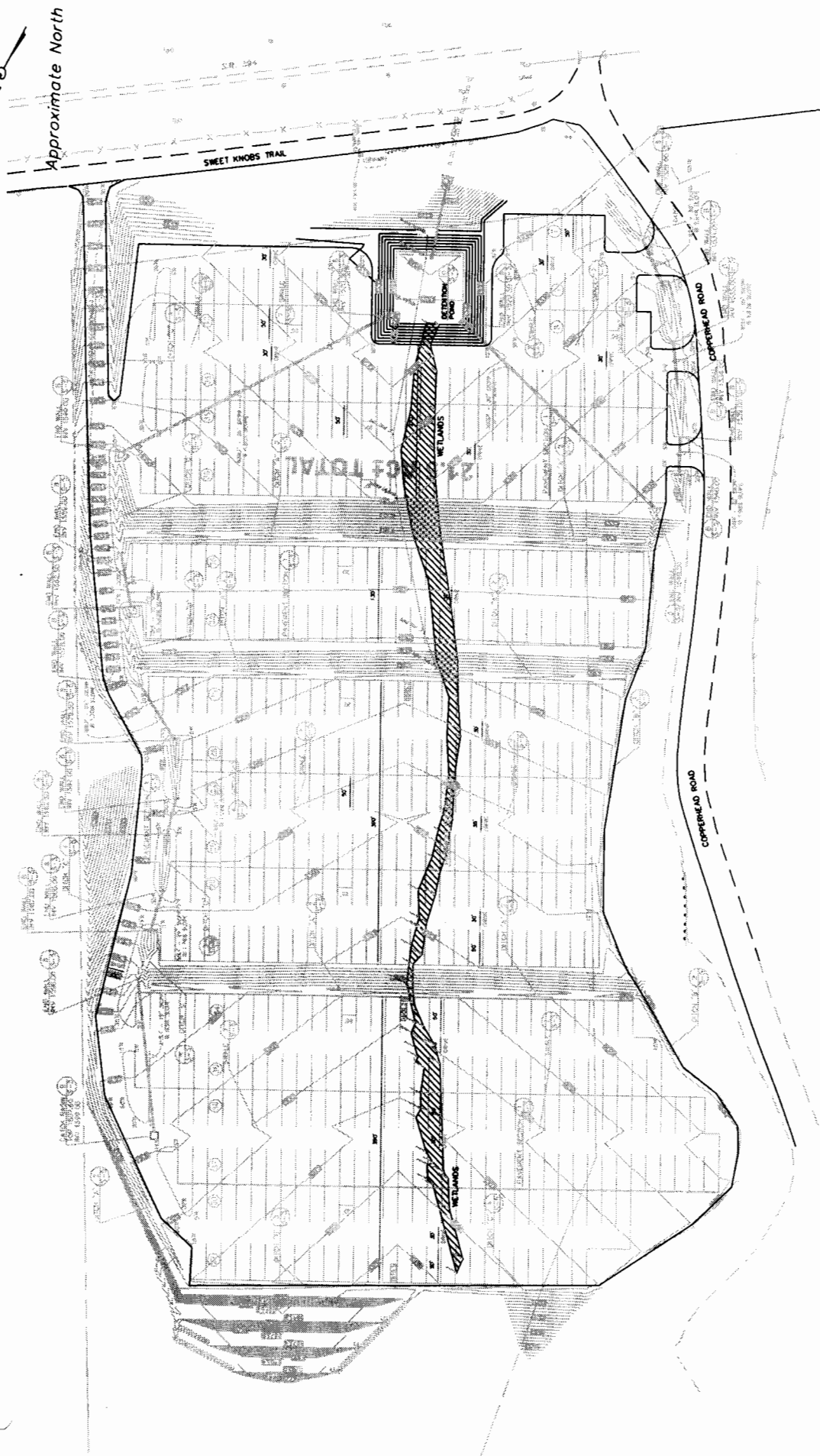
Scale: N/A

Checked by: PAW

Drawn by: WSP

Date: 10/31/06

EXHIBIT C  
FILE NO. 200302663  
PN NO. 06-138



Plan Developed from a site plan by Tysinger, Hampton & Partners.



PROJECT:  
PROPOSED BMS COPPERHEAD ROAD  
PARKING AREA  
SWEET KNOB TRAIL/ COPPERHEAD ROAD  
BRISTOL, TENNESSEE

SCALE:

1:200

DRAWN BY:

C.A.E.

APPROVED BY:

W.S.P.

PROJECT NUMBER:

1404-05-283-C

DATE:

11/29/2006

DRAWING NUMBER:

FIGURE 4